IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Jogendra Singh. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 842/2006
against the order dated 24-5-2006 passed
by the Additional Sessions Judge, Rajgarh,
district Churu , in Sessions Case No.34/2004.

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Date of Order: September 05, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. N.S. Rathore, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

Issue notice for final disposal. Mr. Ashok Upadhyaya, learned Public Prosecutor, accepts notice for the State of Rajasthan. With the consent of the learned counsel for the parties, the petition is being heard and decided at the admission stage.

By this criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the

Code" hereinafter), the petitioner has challenged the order dated 24-5-2006 passed by the Additional Sessions Judge, Rajgarh, district Churu (for short, "the trial Court" hereinafter) in Sessions Case No. 34/2004, whereby the application filed by the petitioner under Section 91 of the Code for calling the letters alleged to have been sent to them by the petitioner from the Superintendent of Police, Churu, Additional Superintendent of Police, Churu and the Station House Officer, Hamirawas, as also from the Director, C.I.D. (C.B.) Branch, was dismissed.

From the perusal of the impugned order, it appears that the original letters alleged to have been written by the prosecutrix PW 1 have been tendered in evidence and exhibited as EX.D/1 to EX.D/13. There is nothing on record to show that the petitioner ever sent such letters to these authorities. Neither the specific date nor any details have been given as to when those letters were sent to the aforesaid police authorities. The trial Court, considering the material on record, observed that there is no need to summon/call for the record sought to be produced because the petitioner himself has tendered the documents in evidence and exhibited them as EX.D/1 to EX.D/13. In my view, the trial Court was justified in dismissing the application filed by the petitioner. By such application, the petitioner designed to make a roving and fishing inquiry in order to delay the trial. It cannot be said that the order impugned

would result in serious miscarriage of justice or abuse of process of the Court.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs